

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

OCT - 4 2005

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte NEELAKANTAN SUNDARESAN

Application No. 09/488,471

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 4, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On January 20, 2000, appellant filed an Information Disclosure Statement (IDS). It is not clear from the record whether the examiner fully considered the IDS submitted (i.e., "Ratings, Reviews and Tests" on sheet 2 of 2) or whether the examiner notified appellant of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

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Also, on p. 21 of the examiner's answer mailed January 18, 2005, the examiner has entered arguments regarding the statement of rejection to claims 1, 9, 17 and 25 under section 112, second paragraph. The arguments are not clear as to whether this rejection was withdrawn. Before further review, the examiner must provide clarification to the statement of rejection of claims 1, 9, 17 and 25 under section 112, second paragraph.

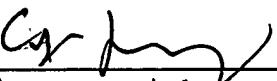
Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) consideration of the Information Disclosure Statement filed January 20, 2000; 2) appropriate written notification by the examiner to appellant of such consideration; 3) status on the section 112, second paragraph, rejection to claims 1, 9, 17 and 25; and 4) for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
Craig R. Feinberg  
Program and Resource Administrator  
(571)272-9797

cc: Samuel A. Kassatly Law Office  
20690 View Oaks Way  
San Jose, CA 95120

CRF/tdl